

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EMMA PAZ,	) 1:05-cv-00482-OWW-SMS
	)
Plaintiff,	) <b>ORDER DIRECTING PLAINTIFF TO</b>
	) <b>SUBMIT SERVICE DOCUMENTS TO THE</b>
v.	) <b>CLERK OR SHOW CAUSE WHY THE</b>
	) <b>ACTION SHOULD NOT BE DISMISSED</b>
JO ANNE B. BARNHART,	) <b>FOR PLAINTIFF'S FAILURE TO EFFECT</b>
Commissioner of Social	) <b>TIMELY SERVICE</b> (Doc. 5)
Security,	)
	)
Defendant.	)
_____	)

Plaintiff is represented by counsel and seeks judicial review of a final decision of the Commissioner of Social Security denying an application for benefits. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rule 72-302(c) (15).

On April 13, 2005, a Scheduling Order issued directing plaintiff to serve the summons, complaint, and other documents upon defendant within twenty (20) days of April 12, 2005, the date the complaint was filed. More than twenty (20) days have passed and, to date, plaintiff has neither filed a proof of service nor sought an extension of time. Specifically, it does

1 not appear that plaintiff has submitted service documents to the  
2 Clerk of this Court; thus, the Clerk has not been able to forward  
3 service documents to the Marshal for service upon defendant.

4 A failure to comply with an order of the Court may result in  
5 sanctions, including dismissal, pursuant to the inherent power of  
6 the Court or the Federal Rules of Civil Procedure. Fed. R. Civ.  
7 P. 41(b), 11; Local Rule 11-110; Chambers v. NASCO, Inc., 501  
8 U.S. 31, 42-43 (1991). Plaintiff's failure to timely serve  
9 defendant may result in dismissal of this action.

10 Accordingly, it is HEREBY ORDERED that, within **fifteen (15)**  
11 **days** from the date of service of this order, plaintiff shall  
12 either:

13 (1) submit service documents to the Court; or,  
14 (2) show cause, in writing, why this action should not be  
15 dismissed (a) for failure to take affirmative steps to serve  
16 defendant by the service deadline of May 2, 2005, and (b) for  
17 failure to obey the Court's order directing service, as the Court  
18 has determined that no hearing is necessary.

19 Plaintiff is herein advised that the failure to respond to  
20 this Order will result in a Recommendation that the action be  
21 dismissed.

22 IT IS SO ORDERED.

23 **Dated: June 9, 2005**  
24 icido3

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE